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09/739,392	12/19/2000	Paul Michael Brennan	3650-005US	2571
28470	7590	11/04/2004	EXAMINER	
G. RONALD BELL & ASSOCIATES P O BOX 2450 POSTAL STATION D OTTAWA, ON K1P 5W6 CANADA			STORM, DONALD L	
			ART UNIT	PAPER NUMBER
			2654	2

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/739,392

Applicant(s)

BRENNAN ET AL.

Examiner

Donald L. Storm

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings filed by the applicant with the application on December 19, 2000 are substantively acceptable to the Examiner. See 37 C.F.R. § 1.81 and 1.83.
2. The Examiner notes, without objection, the possibility of informalities in the drawings. It is in the best interests of the patent community that the Applicant be aware of these editorial situations and consider correcting minor errors during normal review and revision of the drawings.

In Fig. 5, item 533, should the word "Messagigng" be -- Messaging --?

### *Specification*

3. The specification is objected to because it contains (for example, page 4, line 17) an impermissible embedded hyperlink(s) and/or other forms of browser-executable code. Since PTO policy does not permit the PTO to link to any commercial sites, the present Office practice is to require only nonexecutable text versions of embedded browser-executable code or hyperlinks that could otherwise transfer the user to another web site. Deletion or conversion to nonexecutable text is required throughout the specification. See MPEP 608.01.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Braman

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Braman et al. [International Publication WO 99/14928].

6. Regarding claim 1, Braman [at title and abstract] describes a training method that customizes a speech interface by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

the speech user interface subsystem [at Fig. 1, item 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS];

accessing it from an input device [at page 4, lines 8-13, as connect to VAS by calling from a cellular handset];

a profile database of an application system [at Fig. 1 and page 3, lines 23-24, as data storage subsystem (of a cellular telephone network) storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory];

selecting a profile from it for customization [at page 4, lines 13-21, as utilize an existing directory for ADD];

user-defined functions for use within the profile [at page 5, line 1, as caller-programmed directory entries for programming as directory entries];

customizing them [at page 5, line 1, as programming a directory entry];

saving the profile in the profile database [at page 5, line 17, as updating the stored directory in the data subsystem];

a speech-based user interface to an application system [at Fig. 1, items 14, 15, 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS of a cellular telephone network];

providing the profile to it for presentation [at page 4, lines 13-21, as utilize an existing directory for REVIEW];

providing the profile to it upon subsequent access by the user [at page 7, lines 7-13, as provide dialing information in future calls of a caller to obtain access].

7. Regarding claim 2, Braman also describes:

specifying information [at page 5, line 1, as programming a directory entry];

it is presented in a status summary [at page 5, lines 29-30, as VAS recites a list of directory entries].

8. Regarding claim 3, Braman also describes:

customizing comprises specifying a command menu structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, instructing the caller];

it is specified in a dual tone multi frequency driven user interface [at page 5, line 6, as the call and VAS are conferenced and a DTMF receiver is attached].

9. Regarding claim 4, Braman also describes:

customizing comprises specifying a vocabulary structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller to speak a NAME and NUMBER, asking the caller for answers such as "yes"];

it is specified in a speech recognition driven user interface [at page 5, lines 30-32, as the VAS retrieves a command stated by the caller and goes into the mode].

10. Regarding claim 5, Braman also describes:

customizing comprises creating an additional function that accesses elements external to the application system [at page 5, lines 1-11, as programming includes commands to reroute the call to connect to an information service].

11. Regarding claim 6, Braman [at title and abstract] describes a speech interface by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

receiving an access request from a user [at page 4, lines 8-13, as a caller initiates a call];

a profile database [at page 3, lines 23-24, as data storage subsystem storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory];

retrieving a profile from it [at page 4, lines 13-21, as utilize an existing directory];

the profile is customized for the user comprising user-defined functions [at page 5, line 1, as caller-programmed directory entries for programming as directory entries];

presenting the functions in accordance with the profile [at page 4, lines 13-21, as utilize an existing directory for REVIEW];

presenting them via a speech base user interface [at page 5, lines 30-32, as the VAS retrieves a command stated by the caller and goes into the mode];

the interface is customized [at Fig. 1, item 20 and page 3, lines 16-26, as trainable dialing entry system and speech recognition VAS].

12. Regarding claim 7, Braman also describes:

User-defined functions [at page 5, line 1, as directory entries from programming];

they comprise a status summary [at page 5, lines 29-30, as VAS recites a list of directory entries].

13. Regarding claim 8, Braman also describes:

User-defined functions [at page 5, line 1, as directory entries from programming];

they comprise specifying a command menu structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller for commands, asking the caller for answers, instructing the caller];

it is specified in a dual tone multi frequency driven user interface [at page 5, line 6, as the call and VAS are conferenced and a DTMF receiver is attached].

14. Regarding claim 9, Braman also describes:

User-defined functions [at page 5, line 1, as directory entries from programming];

they comprise specifying a vocabulary structure [at page 5, lines 27-page 6, as going into the PROGRAM mode includes prompting the caller to speak a NAME and NUMBER, asking the caller for answers such as "yes"];

it is specified in a speech recognition driven user interface [at page 5, lines 30-32, as the VAS retrieves a command stated by the caller and goes into the mode].

15. Regarding claim 10, Braman also describes:

User-defined functions [at page 5, line 1, as directory entries from programming];

they comprise creating an additional function that accesses elements external to the application system [at page 5, lines 1-11, as programming includes commands to reroute the call to connect to an information service].

16. Regarding claim 11, Braman [at Fig. 1] describes a communication system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

a device [at page 4, lines 8-13, as a cellular handset];

it is an input device [at page 4, lines 8-13, as the cellular handset connects by calling];

it is an audio output device [at page 7, lines 7-9, as the connected call plays voice messages];

an application system [at Fig. 1, as a cellular telephone network];

a speech based user interface for use with the application system [at Fig. 1, items 14, 15, 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS of a cellular telephone network];



customization means permitting customization of the interface [at page 5, lines 1-2, as the caller programming a VAS directory entry ];

a profile database [at Fig. 1 and page 3, lines 23-24, as data storage subsystem (of a cellular telephone network) storing recognition data derived from subscribers and user dialing entries derived from subscribers, also known at page 5, line 17, as data subsystem storing directory]; and

a speech user interface subsystem [at Fig. 1, item 20 and page 3, lines 16-26, as speech recognition and trainable dialing entry system VAS].

17. Regarding claim 12, Braman also describes:

the application system is a unified communications system [at page 7, lines 10-13, as the system provides dialing information, DTMF menu selections, and security codes for voice mail besides other information services].

18. Regarding claim 13, Braman also describes:

the application system is a unified messaging system [at page 7, lines 10-13, as the system provides dialing information, DTMF menu selections, and security codes for voice mail].

19. Regarding claim 14, Braman also describes:

the application system comprises equipment within an automobile [at page 4, lines 8-9, as a cellular handset in an automobile].

**Conclusion**

20. The following references here made of record are considered pertinent to applicant's disclosure:

Kerr [US Patent 5,115,501] edits and stores entries in a user profile table of operations appropriate to a user for generation of customized interfaces for individual users.

Uppaluru [US Patent 5,915,001] presents information to individual users through a touch tone interface to according to a user profile that specifies the information and the presentation.

Beauregard et al. [US Patent 5,974,413] edits and stores functions of applications with commands as specified by a user in a profile database associated with the user.

21. Any response to this action should be mailed to:

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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

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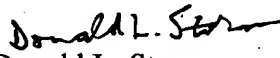
Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, **Mail Stop Amendment**, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA, 22202

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is

(703) 305-3941. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

October 28, 2004

  
Donald L. Storm  
Patent Examiner  
Art Unit 2654